

## **REGULAR MEETING OF COMMON COUNCIL**

A regular meeting of the Common Council of the City of Chippewa Falls was held on Tuesday, March 17, 2009 at 6:30 PM in the City Hall Council Chambers. Mayor Gregory Hoffman presiding. The Pledge of Allegiance was given.

### **CLERK CALLS THE ROLL**

Council members present: Jack Covill, Brian Flynn, Greg Dachel, Jason Anderson, Robert Hoekstra, Susan Zukowski. Absent: Dennis Doughty.

City staff present: Public Works Director/City Engineer Rick Rubenzer, Police Chief Wayne Nehring, Fire Chief Tom Larson, Parks & Recreation Director Bill Faherty, Engineering Staff Robbie Krejci and Todd Berg.

### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

**(a) Motion by Flynn/Zukowski, all present voting aye,** to approve the minutes of the regular council meeting of March 3, 2009. **Motion carried.**

### **PERSONAL APPEARANCES BY CITIZENS**

**(a)** Caira Benson, newly hired Main Street Director, introduced herself to the Council and thanked them for their support indicating the return on investment is significant. She is hoping to have more community events and welcomes any ideas.

**(b)** Attorney James Isaacson from Cadott introduced himself and indicated he is running for Chippewa County Judge.

**(c)** Pat Popple, Summit Avenue, Chippewa Falls, wants the opportunity to work on the 2010 comprehensive plan for the City. She believes with public participation we will all end up with a better community.

**(d)** Russ Blair, 228 Oak Knoll Drive, Chippewa Falls, stated he was listening to Gary Stone on public radio and was concerned with the number of "I don't know answers" from him. He believes city leaders should be paying more attention to what is going on and be concerned with the effect of the sand plant operation on the whole city.

**(e)** Shawn Hammond, 206 7<sup>th</sup> Avenue, Chippewa Falls, is also concerned with the lack of understanding of certain issues related to the sand processing plant. She wanted to know if there is any recourse or if the council's decision can be reconsidered.

**(f)** Alderman Flynn asked City Attorney Bob Ferg to comment on what options the Council had at this point regarding the sand mine plant decision. Attorney Ferg indicated even if the Council had not approved the recommendation, the Plan Commission recommendation would stand. If the City decided to reverse their approval recommendation, it could be considered breach of contract and the City could be sued resulting in a decision that could bankrupt the City. He indicated approvals for issues by governing bodies are regulated by state statutes and any changes would have to be made at that level.

**(g)** Shannon Meindel, 616 W. Elm Street, Chippewa Falls, questioned who would be monitoring CUP conditions and issues such as the water table and what happens if any of the conditions are violated. Attorney Ferg indicated if violations occur, the CUP could be revoked or suspended.

### **PUBLIC HEARINGS**

**(a)** Mayor Hoffman opened a public hearing at 6:55 PM regarding a Special Use Permit to place research and agronomy plots on approximately 28 acres of land at the southeast corner of County Highway "S" and Commerce Parkway. Jerry Clark, Chippewa County University Extension Office, explained the research taking place and answered questions. No one else appeared for or against

## **PUBLIC HEARINGS(cont.)**

and the hearing was closed at 6:57 PM.

Robbie Krejci, Assistant City Engineer, gave a brief presentation regarding the construction projects related to Items (b), (c), (d), and (e) below. (Citizen Russ Blair commented Robbie's mention of the Alexander Street construction did not fall into one of the categories below.)

**(b)** Mayor Hoffman opened a public hearing at 7:05 PM regarding the Council's intention to levy special assessments and authorize construction in Front Street (Badger Street to Well Street). Janell Briggs, 1010 Front Street; Rod Chittendon, 360 Maynard Street; Chris Peterson, 928 Front Street; all had concerns about the economy and paying for these assessments. They asked if it could be extended for one or two years and if the Council could reconsider the 8% interest charged for these assessments. No one else appeared for or against and the hearing was closed at 7:08 PM.

**(c)** Mayor Hoffman opened a public hearing at 7:09 PM regarding the Council's intention to levy special assessments and authorize construction in Wheaton Street (Northridge Court to the North City Limits). City Engineer Rick Rubenzer indicated special assessments for a driveway for Parcel #4482 with an approximate cost of \$789.05 should be included. Monte Berg, 1707 Wheaton Street, indicated he had signatures in opposition of this project. He asked the Council to consider postponing this project because of the economy and concerns of paying for the special assessments. Ron Simet, 1745 Brickyard Lane, does not want the project postponed because the costs could be even more in the future. Don Verch, 1918 Wheaton Street, is not against the construction but asked if the city and county could share costs. Rod Chittendon commented that more advance notice would help and City Engineer Rick Rubenzer indicated his department is working on that. No one else appeared for or against the hearing was closed at 7:26 PM.

**(d)** Mayor Hoffman opened a public hearing at 7:27 PM regarding the Council's intention to levy special assessments and authorize construction in Central Street (Island Street to Rushman Drive). No one appeared for or against and the hearing was subsequently closed.

**(e)** Mayor Hoffman opened a public hearing at 7:28 PM regarding the Council's intention to levy special assessments and authorize construction in Terrill Street (Macomber Street to Bridgewater Avenue). No one appeared for or against and the hearing was subsequently closed.

## **COMMUNICATIONS**

None

## **REPORTS(7:28 PM)**

**(a) Motion by Anderson/Dachel** to approve the minutes of the Plan Commission meeting of March 9. **After a roll call vote, said motion passed unanimously.** Rick Murray, Tomah, Wisconsin appeared regarding the Pizza Hut parcel exchange.

## **APPLICATIONS**

**(a) Motion by Hoekstra/Dachel, all present voting aye,** to approve the Operator (Bartender) licenses as recommended by the Police Department. **Motion carried.**

**Alexis Rutsch** appeared to ask the Council to consider granting her Operator License recommended for denial by the Police Department. **Motion by Flynn/Hoekstra, all present voting aye,** to table the denial recommendation to allow the Police Chief to meet with Ms. Rutsch regarding possible contingencies. **Motion carried.**

**Motion by Dachel/Hoekstra, all present voting aye,** to deny the license application of Adam Shilts as recommended by the Police Department. **Motion carried.**

**(b) Motion by Covill/Zukowski, all present voting aye,** to approve the Application of Leinenkugel Red Blades Hockey Club for a Temporary Class "B"/"Class B" Retailer's License for the Chippewa Mens No Check Hockey Tournament April 17 – 19. **Motion carried.**

## **APPLICATIONS(cont.)**

**(c) Motion by Hoekstra/Zukowski, all present voting aye**, to approve the Street Use Permit Application of Paul Kreumenauer on behalf of the American Cancer Society for the Relay for Life on July 31 and August 1. **Motion carried.**

## **PETITIONS**

None

## **MAYOR ANNOUNCES APPOINTMENTS**

**(a) Motion by Flynn/Anderson** to approve the appointment of Todd Zukowski to the Police & Fire Commission to complete the 2007-2012 term of Michael Fox. **Said motion passed after the following roll call vote: Aye – Flynn, Anderson, Covill, Dachel, Hoekstra; Abstain – Zukowski.**

## **MAYOR'S REPORT**

None

## **COUNCIL COMMITTEE REPORTS**

**(a) Motion by Zukowski/Anderson** to approve the minutes of the Committee No. 1 Revenues, Disbursements, Water and Wastewater meeting of March 11. **Said motion passed after the following roll call vote: Aye – Zukowski, Anderson, Covill, Dachel; Nay – Flynn, Hoekstra.**

**(b) Motion by Hoekstra/Flynn, all present voting aye**, to approve the minutes of the Committee No. 2 Labor Negotiations, Personnel Policy & Administration meeting of March 5. **Motion carried.**

**(c) Motion by Hoekstra/Zukowski, all present voting aye**, to approve the minutes of the Committee No. 4 Recycling, Computerization, Building & Intergovernmental meeting of March 3. **Motion carried.**

**(d)** The minutes of the Park Board meeting of March 10 were presented. Parks Director Bill Faherty gave a brief summary of the progress of the dog park.

**(e)** The minutes of the Library Board meeting of March 11 were presented.

## **REPORT OF OFFICERS**

**(a )** Fire Chief Tom Larson invited everyone to see the new fire truck.

## **ORDINANCES**

**(a) Motion by Hoekstra/Dachel** to approve **Ordinance 2009-01 Entitled:** An Ordinance Establishing the Width of Pavement on Wheaton Street (Northridge Drive to the North City Limits) at 34 Feet Face to Face of Curbs. **Said motion passed after the following roll call vote: Aye – Hoekstra, Dachel, Covill, Anderson, Zukowski; Nay - Flynn.**

**(b) Motion by Zukowski/Hoekstra** to approve **Ordinance 2009-02 Entitled:** An Ordinance Establishing the Width of Pavement on Front Street (Beaver St. to Well St.) at 34 Feet Face to Face of Curbs. **After a roll call vote, said motion passed unanimously.**

**(c) Motion by Anderson/Flynn** to approve **Ordinance 2009-03 Entitled:** An Ordinance Establishing the Width of Pavement on Central Street From Island Street to Rushman Drive at 42 Feet Face to Face of Curbs. **After a roll call vote, said motion passed unanimously.**

**(d) Motion by Flynn/Zukowski** to approve **Ordinance 2009-04 Entitled:** An Ordinance Granting a Special Use Permit to Plant Research and Agronomy Plots. **After a roll call vote, said motion passed unanimously.**

## **RESOLUTIONS**

The Council asked City Attorney Robert Ferg if they should changes to the special assessment repayment terms before considering these resolutions. He indicated changes should be made ordinances adopted before approving these resolutions.

**(a) Motion by Hoekstra/Flynn** to table **Resolution 2009-06 Entitled:** Final Resolution Levying Special Assessments and Authorizing Construction in Front Street (Badger Street to Well Street).

**After a roll call vote, said motion passed unanimously.**

**(b) Motion by Hoekstra/Zukowski** to table **Resolution 2009-07 Entitled:** Final Resolution Levying Special Assessments and Authorizing Construction in Wheaton Street (Northridge Court to the North City Limits). **After a roll call vote, said motion passed unanimously.**

**(c) Motion by Hoekstra/Anderson** to table **Resolution 2009-08 Entitled:** Final Resolution Levying Special Assessments and Authorizing Construction in Central Street (Island Street to Rushman Drive). **After a roll call vote, said motion passed unanimously.**

**(d) Motion by Hoekstra/Zukowski** to table **Resolution 2009-09 Entitled:** Final Resolution Levying Special Assessments and Authorizing Construction in Terrill Street (Macomber Street to Bridgewater Avenue). **After a roll call vote, said motion passed unanimously.**

## **OTHER NEW OR UNFINISHED BUSINESS AS AUTHORIZED BY LAW**

None

## **CLAIMS**

**(a)** The Claims Committee met at 6:00 PM before the regular meeting to review the claims for payment by the various departments of the city. **Motion by Zukowski/Hoekstra** to approve the payment of the claims listed below. **After a roll call vote, said motion passed unanimously.**

City General Claims and

Authorized/Handwritten Claims: \$458,944.04

Public Utility Claims \$171,613.43

## **CLOSED SESSION**

**Motion by Hoekstra/Dachel** to go into closed under 19.85(1)(e) for “deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session” to consider: **(a) Discuss and consider Offer to Purchase made by CFMIT for the purchase of 21 E. Grand Avenue, Chippewa Falls and to allow City Attorney Robert Ferg and City Clerk Lynne Bauer to attend; and may return to open session. After a roll call vote, said motion passed unanimously.**

The Council discussed this issue.

**Motion by Anderson/Zukowski, all present voting aye, to return to open session. Motion carried.**

## **ADJOURNMENT**

**Motion by Anderson/Zukowski, all present voting aye, to adjourn at 8:35 PM. Motion carried.**

Submitted by

Lynne Bauer, City Clerk